

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ALAN GOMEZ-MARENTES, *et al.*,

13 Defendants.

CASE NO. CR20-0092-JCC

ORDER

15 This matter comes before the Court on the Government's motion to continue the trial date
16 (Dkt. No. 223) and its motion for leave to file a late reply (Dkt. No. 260). This case involves
17 multiple defendants charged with a variety of crimes relating to an alleged conspiracy to
18 distribute controlled substances. (*See generally* Dkt. No. 153.) According to the Government,
19 charges stem from a multi-agency federal, state, and local law enforcement investigation into a
20 drug trafficking organization spanning King, Pierce, and Kitsap counties. (Dkt. No. 223 at 3.)
21 The investigation took 18 months and resulted in "thousands of hours of physical and electronic
22 surveillance . . . numerous tracking and search warrants" and intercepts on 21 separate target
23 telephones. (*Id.*).

24 The Government moves to continue the trial date from September 21, 2020 to a date no
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1 earlier than September 2021. (Dkt. No. 223.) It cites voluminous discovery¹ as a basis to
 2 continue. (Dkt. No. 223.)

3 “The wiretap pleadings alone amount to more than 2,500 pages of material. Additional
 4 discovery—consisting of thousands of pages of pen register/tracking affidavits (and data
 5 obtained therefrom), line sheets from the wiretaps, law enforcement reports, audio/video
 6 recordings of controlled buys, thousands of hours of mounted surveillance camera footage,
 7 and more—is forthcoming. The United States will also be producing audio of the
 8 intercepted telephone calls, the majority of which are in the Spanish language.”

(*Id.* at 3.)

Through counsel, Defendants Luis Arturo Magana-Ramirez and Jose Daniel Espinoza,
 who are detained pending trial, filed responses opposing the Government’s motion, citing
 concerns over COVID-19 within the detention facility. (Dkt. Nos. 249, 251.) Counsel for
 Defendant Adrian Sims also filed a response opposing the Government’s motion on her client’s
 behalf but noted that “(u)ndersigned counsel believes that additional time is necessary to prepare
 for trial and provide effective assistance of counsel.” (Dkt. No. 263.) The remaining defendants
 have not responded to the Government’s motion, although four—Adrian Izazaga-Martinez, Ruth
 Melisa Gomez-Marentes, Luis Arturo Magana-Ramirez, and Jorge Mondragon—have filed
 speedy trial waivers through October 2021. The Government filed a late reply to Defendants’
 responses in opposition (Dkt. No. 261), seeking leave from the Court to do so (Dkt No. 260).

While the Government does not cite the impact of the COVID-19 pandemic on counsel’s
 ability to adequately review discovery and effectively engage in trial preparation, the Court
 cannot ignore this reality. *See* W.D. Wash. Gen. Orders Nos. 02-20, 13-20.

Accordingly, the Court FINDS as follows:

1. The failure to grant a continuance would result in a miscarriage of justice within the
 meaning of 18 U.S.C. § 3161(h)(7)(B)(i).
2. This is a complex case due to the number of defendants and corresponding volume of

¹ Defendants sought, and the Court appointed, a coordinating discovery attorney in this matter. (Dkt. No. 271.)

1 discovery to be provided and it is unreasonable to expect adequate preparation for pretrial
2 proceedings or trial as those dates are currently set, within the meaning of 18 U.S.C.
3 § 3161(h)(7)(B)(ii).

- 4 3. The failure to grant a continuance would deny defense counsel the reasonable time
5 necessary for effective preparation, taking into account the exercise of due diligence,
6 within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
7 4. The ends of justice, as described in 18 U.S.C. § 3161(h)(7)(A), would require a
8 continuance, as it is necessary to ensure adequate time for case preparation, and this
9 outweighs the best interests of the public and the defendants in the need for a speedy trial.
10 5. The period of delay for the defendants opposing a continuance is reasonable. *See* 18
11 U.S.C. § 3161(h)(6).

12 For the foregoing reasons, the Court GRANTS the Government's motion to continue the
13 trial (Dkt. No. 223) and its motion for leave to file a late reply (Dkt. No. 260). The trial date is
14 hereby CONTINUED to October 4, 2021, at 9:30 a.m. The Court further ORDERS that the time
15 between the date this order is issued and the new trial date is excludable time under the Speedy
16 Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), 3161(h)(7)(B)(i), 3161(h)(7)(B)(ii), and
17 3161(h)(7)(B)(iv). The Court DIRECTS the parties to file pretrial motions no less than sixty days
18 prior to the trial date.

19 DATED this 17th day of September 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE